

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**JIM PEGRAM FARMS, JAMES
PEGRAM, and KATHLEEN PEGRAM**

PLAINTIFFS

V.

NO. 3:21-CV-196-DMB-RP

**J.P. MORGAN CHASE NATIONAL
CORPORATE SERVICES, INC.;
CAPITAL ONE BANK (USA), N.A.;
NATIONSTAR MORTGAGE LLC
d/b/a Mr. Cooper; and XYZ
CORPORATIONS**

DEFENDANTS

ORDER

On August 18, 2021, Jim Pegram Farms, James Pegram, and Kathleen Pegram filed a complaint in the Circuit Court of Tunica County, Mississippi, against Tony Skelton; J.P. Morgan Chase National Corporate Services, Inc.; Capital One, National Association; Nationstar Mortgage LLC d/b/a Mr. Cooper; and “XYZ Corporations.” Doc. #3. JPMorgan Chase Bank, N.A., alleging it was improperly identified as J.P. Morgan Chase National Corporate Services, Inc.,¹ and Nationstar removed the case to the United States District Court for the Northern District of Mississippi on September 2, 2021, asserting diversity jurisdiction.² Doc. #1.

Nationstar, Chase, and Capital One each filed a motion to dismiss the complaint.³ Docs. #21, #24, #30. After the motions to dismiss were filed, the plaintiffs, with the Court’s leave,⁴ filed an amended complaint.⁵ Doc. #74.

¹ Chase has taken no action nor presented any proof seeking to correct the asserted misnomer.

² Skelton and Capital One consented to removal. Docs. #2, #12.

³ Before any of the motions to dismiss were filed, the plaintiffs voluntarily dismissed their claims against Skelton. Doc. #19.

⁴ Doc. #73.

⁵ Consistent with his dismissal, Skelton is not named in the amended complaint. See Doc. #74.

As a general rule, “[a]n amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading.” *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994). Because the amended complaint here does not incorporate the earlier pleading and because Nationstar, Chase, and Capital One have filed motions to dismiss the amended complaint,⁶ the motions to dismiss the original complaint [21][24][30] are **DENIED as moot**.

SO ORDERED, this 7th day of June, 2022.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

⁶ Docs. #83, #85, #93.